

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

AMERICAN EMPLOYERS' INSURANCE	:	
COMPANY, as subrogee of College Book	:	
Stores of America,	:	Civil Action No. 05-63
:		
Plaintiff,	:	
:		
v.	:	TRIAL BY JURY OF TWELVE
:		DEMANDED
T.A. RIETDORF & SONS, INC.,	:	
:		
Defendant.	:	

JOINT MOTION TO CONSOLIDATE

The Plaintiff, American Employers Insurance Company, as subrogee of College Bookstores of America, and Defendant, T. A. Rietdorf & Sons, Inc., hereby jointly move for a consolidation of this action with the pending action before the Court captioned American Employers Insurance Company, as subrogee of College Bookstores of America, v. United Dominion Industries, Inc., The Marley Corporation and Marley Engineered Products, SPX Corporation and Marley Corporation, Defendant and Third Party Plaintiff, v. T. A. Rietdorf & Sons, Inc., Third Party Defendant, C.A. No. 04-178.

The instant action arises from the same set of facts and occurrences as the pending matter and involves the same parties to the action. The new action is the addition of direct claims by the plaintiff against the third party defendant arising from the fire at the Widener University School of Law bookstore.

The discovery that has occurred in the pending action will be applicable to the new matter and will not result in any undue delay of the cases. The parties to the new matter agree and stipulate that the

most efficient manner in which to deal with the two action is a consolidation of the claims into the pending action.

There is no opposition by any party in the pending matter to the consolidation of these two cases.

WHEREFORE, the parties respectfully request that the Court grant the Motion to Consolidate this action into the previously filed and pending action identified above.

COZEN O'CONNOR

/s/Sean J. Bellew
SEAN J. BELLEW #4072
Chase Manhattan Centre
1201 N. Market Street, Suite 1400
Wilmington, DE 19801
Attorney for Plaintiff

CHRISSINGER & BAUMBERGER

/s/David L. Baumberger
DAVID L. BAUMBERGER, #2420
Three Mill Road, Suite 301
Wilmington, DE 19806
Attorney for Third-Party Defendant

DATED: June 17, 2005